



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

July 28, 2014

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To: Supervisor Don Knabe, Chairman  
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From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

## WASHINGTON, D.C. UPDATE ON HOUSE PASSAGE OF HUMAN TRAFFICKING LEGISLATION

### Executive Summary

This memorandum is to provide the Board with an update on House passage of eight human trafficking bills of which only one bill -- H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act, would affect the County.

None of these bills authorize or appropriate any new Federal funding for anti-human trafficking activities except for H.R. 4980 to the extent it amends Title IV-E Foster Care, which provides Federal matching funds on an open-ended entitlement basis. However, the County's IV-E revenue generally is capped under the County's current IV-E waiver, and also may be capped under the terms and conditions of a new five-year waiver extension that is being negotiated between the State and Federal governments.

### Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)

On July 23, 2014, the House passed H.R. 4980, which seeks to prevent, identify, and combat sex trafficking of youth in the child welfare system, and which also makes other changes to Title IV-E Foster Care that are not directly related to child sex trafficking.

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The bill's sex trafficking provisions mainly impose new IV-E requirements on states, including the following:

- Develop and implement policies for identifying, screening, and determining appropriate actions and services for children in the child welfare system who are believed to be, or at risk of being, victims of sex trafficking and for training caseworkers. States are given the option to serve victims up to age 26 without regard to whether the individual is or was in foster care;
- Identify and document children in the child welfare system who are either victims of sex trafficking or other severe forms of trafficking, and report information on victims of sex trafficking and on missing or abducted children to law enforcement agencies within 24 hours of receiving such information;
- Develop and implement protocols for locating children who are missing from foster care and determining whether a child had been a possible sex trafficking victim while missing from foster care; and
- Annually report the number of children and youth who are sex trafficking victims to the Secretary of Health and Human Services (HHS).

H.R. 4980 imposes other new IV-E requirements on states that are not directly related to sex trafficking, including the following:

- Implement a "reasonable and prudent parent standard," which provides foster parents with a greater voice in making decisions about a foster child's participation in age-appropriate activities -- a standard that already exists in California;
- Empower foster youth age 14 or older to have a greater voice in the development of their case plans, including through the selection of two individuals to participate in their case planning; and
- Require states to provide a child who is aging out of foster care with a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or state identification card.

The bill also eliminates the current option to make Another Planned Permanent Living Arrangement (APPLA) the permanency goal for an abused or neglected child who is under age 16 even when there is a compelling reason why APPLA is in the child's best interest rather than the goals of reunification with parents, adoption, or legal guardianship. Compelling reasons why APPLA (placement in long-term foster care)

may be in the child's best interest include that the child has an abusive parent with mental health or substance abuse problems or that the child has special needs or disabilities that make family reunification, adoption, or legal guardianship less beneficial or viable options. In addition, APPLA/long-term foster care (LTFC) may be determined to be in the child's best interest when the child has a relative who is willing to care for the child, but not as the child's adoptive parent or legal guardian.

Eliminating APPLA/LTFC as an option would result in more children being returned to their parents, placing them at greater risk of abuse, and also would require the Department of Children and Family Services to expend more resources on recruiting adoptive parents and legal guardians and providing specialized services to children with special needs and disabilities.

Under existing law (Title IV-E of the Social Security Act), states will be eligible to receive Federal IV-E matching funds to reimburse any additional costs associated with complying with the new requirements in H.R. 4980. The State of California is pursuing financial terms and conditions in a new five-year IV-E waiver extension, which would enable waiver counties to receive additional Federal IV-E revenue if legislation, such as this bill, is enacted that imposes or makes more costs eligible for IV-E matching funds. Without such terms and conditions, Federal IV-E waiver revenue may be capped.

#### **Other Human Trafficking Bills Passed by the House**

On July 23, 2014, the House also passed the following five human trafficking bills:

**H.R. 2283 (Smith, R-NJ)**, the Human Trafficking Prioritization Act, which changes the State Department's Office to Monitor and Combat Trafficking into the Bureau to Combat Trafficking in Persons that would be headed by an assistant secretary;

**H.R. 4449 (S. Maloney, D-NY)**, the Trafficking Victims Protection Act, which expand training on "trafficking-in-persons issues" for high-ranking State Department personnel, including through specific trafficking-in-persons briefings for all ambassadors and deputy chiefs of mission before they depart for their posts;

**H.R. 5076 (Heck, R-NV)**, the Enhancing Services for Runaway and Homeless Victims of Youth Trafficking Act, which would make youth who are human trafficking victims eligible for services funded by Runaway and Homeless Youth Grants;

**H.R. 5116 (Meadows, R-NC)**, the Human Trafficking Detection Act, which would require the Department of Homeland Security to train agents who are responsible for inspecting individuals who enter the country to deter and detect human trafficking, and to submit a report to Congress on the overall effectiveness of the training; and

**H.R. 5135, Noem, R-SD**, the Human Trafficking Prevention, Intervention, and Recovery Act, which directs the Interagency Task Force to Monitor and Combat Trafficking to identify strategies to prevent the trafficking of children and to submit a report to Congress on best practices and effective strategies for combatting child trafficking, and which directs the Government Accountability Act to submit a report to Congress on law enforcement efforts and Federal grants to combat human trafficking.

On July 24, 2014 and July 25, 2014, the House passed two additional human trafficking bills:

**H.R. 5081 (Bass, D-CA)**, the Strengthening Child Welfare Response to Trafficking Act, which would require state plans for the Child Abuse Prevention and Treatment Act (CAPTA) State Grant to include procedures for identifying and assessing reports involving child trafficking victims, training state protective services representatives to identify and assess such victims, and referring victims to appropriate services to address their needs.

**H.R. 5111 (Beatty, D-OH)**, which would replace "child prostitution" with "child sex trafficking, including child prostitution" as one of the areas for reporting to the tip line on Internet-related child sexual exploitation that is run by the National Center for Missing and Exploited Children.

### **Legislative Outlook**

The Senate is expected to pass and send H.R. 4980, the Preventing Sex Trafficking and Strengthening Families Act to the President for his signature because the bill reflects a bipartisan agreement reached between House Ways and Means Committee and Senate Finance Committee leaders near the end of June 2014. The Senate neither has taken nor scheduled action on any legislation similar to the other seven human trafficking bills passed by the House this week.

We will continue to keep you advised.

WTF:RA  
MR:MT:ma

c: All Department Heads  
Legislative Strategist